HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G. BHAVANI PRASAD

WRIT PETITION NO. 978 OF 2006

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Between:

Dolphin Bar & Restaurant,

95 D & E, Suiddamshetty Complex,

Park Lane, Secunderabad,

rep. by its Proprietor P. Sivannarayana,

S/o Late P.V. Basava Rao

……Petitioner

And

The Commissioner of Police,

Hyderabad City, Basheerbagh,

Hyderabad and four others.

……Respondents

:: JUDGMENT ::

Counsel for the Petitioner : Shri D. Prakash Reddy, Senior

Advocate assisted by

Shri Amarnath Goud, Advocate

Counsel for the Respondents : Government Pleader for

Home

Dated: 01-03-2006

Per G.S. SINGHVI, CJ

In this petition, the petitioner has made the following substantive prayers:

> "Therefore, it is prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st Respondent herein in passing the impugned orders vide Proceeding No. L&O/A3/2090/2003, dt.09-01-2006, in not permitting to conduct the live band/Orchestra with male and female singers in the restaurant hours, as arbitrary, illegal, consequently direct the 1st respondent herein to permit the Petitioner Bar & Restaurant for conduct the live band/Orchestra Music programs with male and female singers, in accordance with the law and the Judgment of the Hon'ble Apex Court of India in Civil Appeal. No.1857/2000 and batch, dt.28-11-2002, and pass such other order or orders as are deemed fit and proper in the circumstances of the case.
>
> It is also necessary in the interest of justice that this

Hon'ble Court may be pleased to suspend the operation of the impugned orders dt.09-01-06, in Proc. No. L&O/A3/2090/2003, passed by the 1st Respondent herein, petition and pass such other order or orders as are deemed fit and proper in the circumstances of the case".

Learned counsel for the parties agree that this petition may be disposed of in terms of order passed today in Writ
Petition No. 26064 of 2005 except the part relating to public interest litigation. Ordered accordingly.

As a sequel to the disposal of the writ petition, the miscellaneous petition is disposed of as infructuous.

The detailed order passed in Writ Petition No. 26064 of 2005 shall be read as part of this order.

G.S. SINGHVI, CJ

G. BHAVANI PRASAD, J

01-03-2006

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